

## United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Blanche Manning	Sitting Judge if Other than Assigned Judge	Martin C. Ashman
CASE NUMBER	98 C 5552	DATE	8/31/2000
CASE TITLE	Janet Alvarez vs. William Riesche, et al.		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

## MOTION:

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## DOCKET ENTRY:

- (1)  Filed motion of [ use listing in "Motion" box above.]
- (2)  Brief in support of motion due \_\_\_\_\_.
- (3)  Answer brief to motion due \_\_\_\_\_. Reply to answer brief due \_\_\_\_\_.
- (4)  Ruling/Hearing on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (5)  Status hearing[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (6)  Pretrial conference[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (7)  Trial[set for/re-set for] on \_\_\_\_\_ at \_\_\_\_\_.
- (8)  [Bench/Jury trial] [Hearing] held/continued to \_\_\_\_\_ at \_\_\_\_\_.
- (9)  This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]  
 FRCP4(m)  General Rule 21  FRCP41(a)(1)  FRCP41(a)(2).
- (10)  [Other docket entry] Report and recommendation recommending that this case be dismissed for want of prosecution is hereby entered of record. All matters relating to the referral of this action having been resolved, the case is returned to the assigned judge.

(11)  [For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input checked="" type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input checked="" type="checkbox"/> Copy to judge/magistrate judge.		5 number of notices  <b>SEP - 1 2000</b> date docketed  <b>IS</b> docketing deputy initials  8/31/2000 date mailed notice  <b>IS</b> mailing deputy initials	Document Number  <b>63</b>
IS	courtroom deputy's initials		

**FILED FOR DOCKETING**  
**ED-7**  
**00 AUG 31 PM 3:42**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

SEP -1 2003  
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JANET ALVAREZ,	)	
	)	
Plaintiff,	)	Case No. 98 C 5552
	)	
v.	)	Judge Blanche M. Manning
	)	
WILLIAM RIESCHE and WALTER	)	Magistrate Judge
GORDON, individually and as	)	Martin C. Ashman
agents for Chicago Police	)	
Department, and CITY OF	)	
CHICAGO, a Municipal Corporation,	)	
and CARLOS ALVAREZ,	)	
	)	
Defendants.	)	

REPORT AND RECOMMENDATION

This matter was referred to this court for all discovery motions, discovery supervision and any and all non-dispositive motions.

On May 24, 2000, this Court held a status hearing at which time Plaintiff's attorney failed to appear. On June 5, 2000, on motion of Plaintiff, the Court granted Plaintiff leave to substitute David T. Odom as counsel. A status hearing was set for July 21, 2000. No attorney appeared for Plaintiff.

On July 27, 2000, Defendants filed a motion to dismiss for failure of Plaintiff to respond to discovery and failure to comply with Court scheduling orders which motion was denied without prejudice by Honorable Blanche Manning. In the meantime, this Court set a status hearing for August 11, 2000, at which time Plaintiff's attorney did not appear. This Court continued the

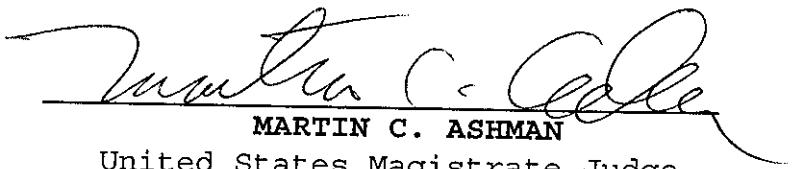
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status hearing to August 22, 2000 and ordered attorneys for all parties to appear. On August 22, 2000, this Court held a status hearing at which time Plaintiff's attorney did not appear. This Court ordered Plaintiff to answer all outstanding discovery within seven days and entered a rule to show cause against Plaintiff for Plaintiff to show cause why she should be debarred from presenting any evidence at the trial of the case. The rule was returnable before on this Court on August 31, 2000 at 10 a.m. The status hearing was continued to August 31, 2000 at 10 a.m.

No one appeared for Plaintiff on August 31, 2000. Defendants report that Plaintiff has not appeared for a deposition and has not answered any outstanding written discovery.

The bottom line of all of this is that Plaintiff's attorney does not appear in court as ordered and does not comply with any discovery requests or orders. This Court therefore recommends that this case be dismissed for want of prosecution.

Dated: August 31, 2000.

  
MARTIN C. ASHMAN  
United States Magistrate Judge

Written objections to any finding of fact, conclusion of law, or the recommendation for disposition of this matter must be filed with the Honorable Blanche M. Manning within ten (10) days after service of this Report and Recommendation. See FED. R. CIV. P. 72(b). Failure to object will constitute a waiver of objections on appeal.

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